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*Attorneys for Plaintiff and Counter-Defendant  
Epic Games, Inc.*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

EPIC GAMES, INC.,

Plaintiff,

v.

APPLE INC.,

Defendant.

CASE NO. 4:20-cv-05640-YGR-TSH

**ORDER GRANTING STIPULATION  
BETWEEN EPIC GAMES, INC. AND  
APPLE INC. AND ~~PROPOSED~~  
~~ORDER RE: CASE SCHEDULE~~**

Civil Local Rule 6-2

The Honorable Yvonne Gonzalez Rogers

APPLE INC.,

Counterclaimant,

v.

EPIC GAMES, INC.,

Counter-defendant.

STIPULATION BETWEEN EPIC GAMES,  
INC. AND APPLE INC. AND ~~PROPOSED~~  
ORDER RE: CASE SCHEDULE

Case No. 4:20-cv-05640-YGR-TSH

1 The Parties, by and through their respective counsel, hereby agree and stipulate as  
2 follows:

3 WHEREAS, in its October 6, 2020 Case Scheduling and Pretrial Order, the Court ordered  
4 that March 15, 2021 is the deadline for serving rebuttal expert reports (Dkt. 116);

5 WHEREAS, backup materials must generally be produced within two business days after  
6 service of expert reports (*Cameron Dkt. 87* at 1);

7 WHEREAS, on March 14, 2021, counsel for Epic informed counsel for Apple of certain  
8 errors in data previously produced by Epic, and provided corrected data;

9 WHEREAS, counsel for the Parties have conferred regarding the most efficient way for  
10 the expert witnesses retained by Apple to analyze the corrected data and incorporate the results of that  
11 analysis into their opinions;

12 WHEREAS, the agreed-upon procedure would not affect any other deadlines in the case.

13 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED among the  
14 Parties, by and through their respective counsel, subject to the approval of the Court:

15 1. That Apple may supplement its expert rebuttal reports no later than March 17,  
16 2021, without objection from Epic, solely to the extent the supplementation is necessary to incorporate  
17 the corrected data;

18 2. That the backup materials for Apple's expert, Dr. Lorin Hitt, may be produced no  
19 later than March 19, 2021; and

20 3. That all other case deadlines remain in place.

21  
22 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**  
23  
24  
25  
26  
27  
28

DATED: March 15, 2021

By /s/ Gary A. Bornstein  
**CRAVATH, SWAINE & MOORE LLP**  
Christine A. Varney  
Katherine B. Forrest  
Gary A. Bornstein  
Yonatan Even  
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**FAEGRE DRINKER BIDDLE & REATH LLP**  
Paul J. Riehle

*Attorneys for Epic Games, Inc.*

DATED: March 15, 2021

By /s/ Mark A. Perry  
**GIBSON, DUNN & CRUTCHER LLP**  
Theodore J. Boutrous, Jr.  
Richard J. Doren  
Daniel G. Swanson  
Mark A. Perry  
Veronica S. Lewis  
Cynthia E. Richman  
Jay P. Srinivasan

**ORRICK, HERRINGTON & SUTCLIFFE LLP**  
E. Joshua Rosenkranz  
William F. Stute

*Attorneys for Apple Inc.*

1 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

2  
3 DATED: March 17, 2021

  
4 THE HONORABLE YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE

**DECLARATION REGARDING CONCURRENCE**

I, Mark A. Perry, am the ECF user whose identification and password are being used to file this STIPULATION BETWEEN EPIC GAMES, INC. AND APPLE INC. RE: CASE SCHEDULE. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that all of the signatories listed above have concurred in this filing.

DATED: March 15, 2021

GIBSON, DUNN & CRUTCHER LLP

/s/ Mark A. Perry

Mark A. Perry